

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 2 and 7 are cancelled. Claims 1, 3-6, and 8-10 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

The specification has been amended to better conform to the requirements of U.S. practice. No new matter has been added by these amendments.

In the Office Action, claims 1, 4-6 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ro (U.S. Patent Application Publication No. 2002/0150123) in view of Kim (U.S. Patent No. 5,859,846). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

As an example, claim 1 recites:

monitoring means for monitoring a state of the network, and for generating a stop command and supplying the stop command to the multiplexing means when the state of the network is undesirable[.]

(Emphasis added.) Neither the relied on sections of Ro nor the relied on sections of Kim disclose or suggest monitoring a state of a network. Moreover, neither the relied on sections of Ro nor the relied on sections of Kim disclose or suggest supplying a stop command to a multiplexing means when a state of a network is undesirable.

The Examiner acknowledges that "Ro does not teach monitoring means..." but contends that Kim does and relies on column 13 lines 23-46 of Kim. However, this section of the reference merely describes that if a shared output buffer is full, an up/down counter outputs an output buffer full state flag to a multiplexing controller to temporarily stop a multiplexing operation. (See col.13 11.27-30.) That is,

multiplexing stops when a shared output buffer is full. Such section is not at all concerned with monitoring a state of a network and is not at all concerned with stopping multiplexing when a state of a network is undesirable.

Moreover, such section of Kim merely teaches that when input buffers reach their full states, an input buffer controller asserts an input buffer state flag, thereby causing cell filters to output reverse flow control signals to request a cell transmission stop. (See col.13 ll.32-36.) Namely, cell transmission is stopped when input buffers are full. This section likewise is not at all concerned with monitoring a state of a network and is not at all concerned with stopping transmission when a state of a network is undesirable.

Hence, the relied on sections of Kim neither disclose nor suggest the features set out in the above excerpt of claim 1.

It follows, for at least these reasons, that neither the relied on sections of Ro nor the relied on sections of Kim, whether taken alone or in combination, disclose or suggest the encoding/transmitting apparatus set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claims 6 and 10 each call for features similar to those set out in the above excerpt of claim 1. Claims 6 and 10 are therefore each patentably distinct and unobvious over the relied on sections of Ro and Kim at least for the same reasons.

Claims 4 and 5 depend from claim 1, and claim 9 depends from claim 9. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends.

Claims 3 and 8 were rejected under 35 U.S.C. § 103(a)

as being unpatentable over Ro and Kim in view of Terao (U.S. Patent No. 7,187,844. Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Claims 3 depends from claim 1, and claim 8 depends from claim 6. Therefore, each of claims 3 and 6 is distinguishable over the relied-on sections of Ro and Kim for at least the same reasons.

The relied-on sections of Terao do not overcome the deficiencies of the relied-on sections of Ro and Kim.


Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

  
BY \_\_\_\_\_

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